

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Kim J. H.,

Civil No. 18-cv-2736 (MJD/TNL)

Plaintiff,

v.

ORDER

Andrew Saul, Commissioner of Social
Security,

Defendant.

This matter is before the Court on the Report and Recommendation by United States Magistrate Judge Tony N. Leung dated January 27, 2019 (Doc. No. 20) addressing the parties' cross motions for summary judgment. No objections have been filed.

Pursuant to statute, the Court has conducted a de novo review of the record. 28 U.S.C. § 636(b)(1); Local Rule 72.2(b). Based on the review the Court will adopt the Report and Recommendation in its entirety.

IT IS HEREBY ORDERED that:

1. Plaintiff's Motion for Summary Judgment (Doc. No. 12) is **GRANTED IN PART** and **DENIED IN PART**.

2. The Commissioner's Motion for Summary Judgment (Doc. No. 15) is **GRANTED IN PART** and **DENIED IN PART**.
3. The Commissioner's decision is **AFFIRMED** as to steps one through four, except as to the consideration of Plaintiff's degree of absenteeism at step four and **VACATED** as to any "alternative findings" at step five.
4. This matter is **REMANDED** to the Commissioner pursuant to sentence four of 42 U.S.C. § 405(g) for further proceedings consistent with this opinion.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Date: February 20, 2020

s/ Michael J. Davis

Michael J. Davis

United States District Court